

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/10/2012

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Travis Klundt
Paul J. Morgan
Kenneth W. Nuhn
Jack R. Van Wyk

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Eric Nelson, Prosecuting Attorney
Roger Hales, Administrative Attorney
Maurie Ellsworth, Legal Counsel
Maria Brown, Technical Records Specialist

OTHERS PRESENT: Cheri Desaro

The meeting was called to order at 8:30 AM MST by Brad Janoush.

APPROVAL OF MINUTES

The Board reviewed the 12/12/2011 and 1/26/2012 minutes.

It was moved by Mr. Morgan to approve the 12/12/2011 and 1/26/2012 minutes as written. Seconded by Mr. Van Wyk, motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative update. The Board's Proposed Rule changes did pass. These will go into effect toward the end of the Legislature. The Board also approved Temporary Rules which will be submitted immediately following the effective date of the Proposed Rule.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicates a cash balance of (\$103,778.41) as of 1/31/2012. The Bureau is looking into a new licensing system which may affect the Board's budget with a one-time expense next year.

FORMAL DISCIPLINARY ACTION

The Chairman thanked Mr. Nelson for recently attending the Appraisal Institute's 7 hour USPAP Update course.

Mr. Nelson presented a memorandum for case REA-2012-1.

Mr. Morgan recused himself from discussion and voting on case REA-2012-1.

After review, the Board presented its recommendations to its prosecuting attorney.

Mr. Nelson presented a memorandum for case REA-2012-4.

Mr. Morgan recused himself from discussion and voting on case REA-2012-4.

It was moved by Mr. Van Wyk to close case REA-2012-4 with a strongly worded advisory letter. Seconded by Mr. Klundt, motion carried.

Mr. Nelson presented the Board a Stipulation and Consent Order for case REA-2010-25.

It was moved by Mr. Morgan to accept the Consent Order for REA-2010-25 and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Van Wyk, motion carried.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report.

For Board Determination:

Case numbers I-REA-2012-15, and I-REA-2012-20.

Following review, it was moved by Mr. Van Wyk to accept the Bureau's recommendation for closure for case I-REA-2012-15 with a strongly worded advisory letter. Seconded by Mr. Klundt, motion carried.

Following review, it was moved by Mr. Van Wyk to accept the Bureau's recommendation for closure for case I-REA-2012-20 with a strongly worded advisory letter. Seconded by Mr. Klundt, motion carried.

PROBATION REPORT

Ms. Peel presented the probation report.

CORRESPONDENCE

Ms. Peel presented a request for termination of probation for case REA-2010-31.

It was moved by Mr. Klundt to approve the request for termination of probation for case REA-2010-31. Seconded by Mr. Morgan, motion carried.

Ms. Peel presented a request for the waiver of fees for case REA-2007-121.

The Board denied the request.

OLD BUSINESS

TO DO LIST

The Board reviewed the to do list. No action was taken.

ASSOCIATION OF APPRAISER REGULATORY OFFICIALS

The Board reviewed the AARO dues and discussed the upcoming spring AARO conference.

It was moved by Mr. Van Wyk to pay the AARO dues and to send Ms. Brown and Mr. Klundt to the upcoming AARO conference and pay their registration and expenses. Seconded by Mr. Morgan, motion carried.

NEW BUSINESS

LICENSURE COUNT

The Board discussed the current licensee count.

CORRESPONDENCE

The Board reviewed correspondence from the Appraisal Foundation which included approved criteria changes. The Board asked that the proposed law and rule changes to be in compliance with the criteria changes be added to the April agenda to ensure that it is submitted to the Legislature in time.

FORMAL DISCIPLINARY ACT

Mr. Hales presented case REA-2008-41 for discussion and determination of Final Order.

Mr. Janoush recused himself from discussion and voting on case REA-2008-41.

It was moved by Mr. Klundt to adopt the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer and the Hearing Officer's decision on the motions raised by the parties for case REA-2008-4. Seconded by Mr. Nuhn, motion carried.

Mr. Hales reviewed the Board's disciplinary options as it related to the violations committed and stressed that the Board base its decision only on the findings of fact and violations as adopted in this case.

It was moved by Mr. Nuhn to revoke the Respondent's license; impose a \$4000.00 fine, and recover costs and fees of the investigation and prosecution based on the violations as set forth in the Findings of Fact, Conclusions of Law, and Recommended Order in Case REA-2008-41. Seconded by Mr. Van Wyk, motion carried.

It was moved by Mr. Van Wyk to direct counsel to prepare the Board's Final Order for case REA-2008-41 and authorize the Vice Chair to sign the Order on behalf of the Board. Seconded by Mr. Nuhn, motion carried.

EXECUTIVE SESSION

It was moved by Mr. Van Wyk that the Board go into executive session under Idaho Code § 67-2345(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. Seconded by Mr. Klundt. The vote was: Mr. Klundt, aye; Mr. Morgan, aye; Mr. Janoush, aye; and Mr. Van Wyk, aye. Motion carried.

It was moved by Mr. Van Wyk that the Board enter regular session. Seconded by Mr. Klundt. The vote was: Mr. Klundt, aye; Mr. Morgan, aye; Mr. Janoush, aye; and Mr. Van Wyk, aye. Motion carried.

APPLICATIONS

Approved for Exam

It was moved by Mr. Van Wyk to approve the following applicant for examination:

BELL SAM

CRA

Seconded by Mr. Klundt, motion carried.

NEXT MEETING

The Board moved the April Board meeting date to 4/30/2012.

ADJOURNMENT

It was moved by Mr. Van Wyk that the meeting adjourn at 10:30 AM MDT.
Seconded by Mr. Klundt, motion carried.